



MEMORANDUM FOR BUREAU CHIEF PROCUREMENT OFFICERS

FROM:

Iris B. Cooper
IRIS B. COOPER,
SENIOR PROCUREMENT EXECUTIVE,
OFFICE OF THE PROCUREMENT EXECUTIVE

SUBJECT: Amendment to the DTAP regarding Section 735 of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235)

1. Purpose: This amendment is issued to implement provisions from Section 735 of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and any other Act, wherein such prohibition is included.

2. Effective Date: January 15, 2015

3. Expiration Date: Until otherwise canceled, superseded or included within the FAR, DTAR, or a future edition of the DTAP.

4. Background: Within the Consolidated and Further Continuing Appropriations Act, 2015, Section 735 prohibits the use of funds made available in this or any other Act to recommend or require any entity submitting an offer for a Federal contract to disclose specific information as a condition of submitting the offer. The below language is from Section 735 of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235).

Sec. 735. (a) None of the funds made available in this or any other Act may be used to recommend or require any entity submitting an offer for a Federal contract to disclose any of the following information as a condition of submitting the offer:

(1) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(2) Any disbursement of funds (other than a payment described in paragraph (1)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (1).

(b) In this section, each of the terms “contribution”, “expenditure”, “independent expenditure”, “electioneering communication”, “candidate”, “election”, and “Federal office” has the meaning given such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

In accordance, with FAR 1.404(a)(1) a consultation was held with the Chair of the Civilian Agency Acquisition Council (CAAC) on December 22, 2014. This consultation involved the discussion of various provisions of the Consolidated and Further Continuing Appropriations Act, 2015 that were identified as potentially having an impact on procurement. The result of this consultation was the agreement that Treasury needs to move forward with issuing policy to implement provisions of Section 735 of the Act. Therefore, the Senior Procurement Executive has determined that the issuance of this amendment to the DTAP is authorized and necessary to implement provisions from Section 735 of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and any other Act, wherein such prohibition is included.

5. Applicability. This amendment applies to solicitations requesting offers for a federal contract that will use funds made available by the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) or any other Act, unless otherwise stated therein. The term “offer” as used herein in has the same meaning as it is defined in FAR 2.101.

6. Department of the Treasury Acquisition Procedures (DTAP):

A. 1003—Improper Business Practices and Personal Conflicts of Interest, is amended to add the following:

**SUBPART 1003.70—PROHIBITION ON RECOMMENDING OR REQUIRING
SUBMISSION OF POLITICAL INFORMATION**

1003.701 Purpose. The purpose of this subpart is to implement provisions from Section 735 of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and any other Act, wherein such prohibition is included

1003.702 Policy. For solicitations requesting offers for a federal contract that will use funds made available by the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) or any other Act, unless otherwise stated therein, neither contracting officers nor ordering officers shall recommend or require any entity to disclose any of the following information as a condition of submitting the offer:

(a) Any payment consisting of a contribution, expenditure, independent expenditure, or disbursement for an electioneering communication that is made by the entity, its officers or directors, or any of its affiliates or subsidiaries to a candidate for election for Federal office or to a political committee, or that is otherwise made with respect to any election for Federal office.

(b) Any disbursement of funds (other than a payment described in paragraph (a)) made by the entity, its officers or directors, or any of its affiliates or subsidiaries to any person with the intent or the reasonable expectation that the person will use the funds to make a payment described in paragraph (a).

(1) In this section, each of the terms “contribution”, “expenditure”, “independent expenditure”, “electioneering communication”, “candidate”, “election”, and “Federal office” has the meaning given such term in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

B. 1014—Sealed Bidding, is amended to add the following:

SUBPART 1014.1—USE OF SEALED BIDDING

1014.103-270 Limitations.

Solicitations requesting offers for a federal contract that will use funds made available by the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) or any other Act, unless otherwise stated therein, shall be adhere to the requirements of subpart 1003.70.

C. 1015.205 Issuing solicitations, is amended to add the following:

(d) Solicitations requesting offers for a federal contract that will use funds made available by the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) or any other Act, unless otherwise stated therein, shall be adhere to the requirements of subpart 1003.70.

7. Required Bureau Actions: Bureau Chief Procurement Officers shall—

- a. Ensure dissemination of this APU to all impacted personnel;
- b. Update any related Bureau policies and procedures impacted by this APU; and
- c. Monitor bureau compliance with this APU and provide OPE notification of any instances of non-compliance along with the corrective action(s) taken to address the matter of non-compliance.

8. Additional Information: My point of contact for this APU is Mr. Thomas O'Linn, who may be reached at thomas.olinn@treasury.gov or at OfficeoftheProcurementExecutive@treasury.gov.